

JURISDICTION:

HAWAII

General Reference:

This chapter summarizes Hawaii State statutes related to speed.
Hawaii Revised Statutes

Basis for a Speed Law Violation:

Basic Speed Rule:

A person shall not drive a vehicle at a speed greater than is reasonable and prudent and having regard to the actual and potential hazards and conditions then existing. ' ' 291C-101 & 291C-198(a)

**Statutory Speed Limit:
See Other below.**

35 MPH (58 kilometers per hour) for Mopeds¹ ' 291C-198(b)

Posted (Maximum) Speed Limit:

I. The Director of Transportation may place signs establishing the maximum speed limit on any highway under the director's jurisdiction.² ' 291C-102(b)
II. Local governments may establish maximum speed limits on streets and highways under their jurisdiction. ' 291C-163(a)(5), (10), (15) & (23)

Minimum Speed Limit:

A person, driving at less than the normal speed of traffic, shall drive in the right-hand lane then available for traffic or as close as practicable to the right-hand curb or edge of the roadway. ' 291C-41(b)

Posted (Minimum) Speed Limit:

I. The Director of Transportation may place signs establishing the minimum speed limit on any highway. ' 291C-102(b)
II. Local governments may establish minimum speed limits on streets and highways under their jurisdiction. ' 291C-163(a)(5), (10), (15) & (23)

¹Notwithstanding this speed limit, after April 23, 1998, mopeds offered for sale in the State of Hawaii must meet the following engine and speed specifications. A moped engine can only have a two horsepower (one thousand four hundred ninety-two watts) or less and, if it is a combustion engine, a maximum piston or rotor displacement of 3.05 cubic inches (fifty cubic centimeters) and which will propel the moped, unassisted, on a level surface at a maximum speed no greater than thirty miles per hour. ' 291C-202(a)(1) Note: Prior to this date, the law (' 291C-202(a)(1) prior to amendment in 1998) provided that mopeds offered for sale could have a maximum unassisted speed on a level surface of 35 MPH. A grandfather clause in the cited statute provides that these 35 MPH speed mopeds may still be legally operated in the State.

²Note: Hawaii law does not specifically state whether different highway speed limits may be established either for different types of vehicles, for various weather conditions or for different times of the day.

HAWAII

- Other:
- I. A vehicle or combination of vehicles designed to operate at speed ≤ 25 MPH may be required to display a sign indicating that it is a slow moving vehicle. ' 291C-130
 - II. Bicycles and mopeds not traveling at the normal rate of speed "shall ride as near to the right side of the roadway as practicable...." ' 291C-145(a) & 291C-196(a)
 - III. A Neighborhood electric vehicle³ cannot be operated at a speed > 25 MPH or, except for crossing, driven on a highway with a posted speed limit > 35 MPH.³ ' 291C-____ (' 3 of Act 262, 1999)

Adjudication of Speed Law Violations:

- Civil/Criminal Adjudication of Violation: All Speed Law Violations are Traffic Infractions/Violations. ' 291C-102(a), 291C-161(a), 291C-192(a), 291D-2 & 701-107(1)
- Other:

Sanctions Following an Adjudication of a Speed Law Violation:

- Criminal Sanctions:
- Imprisonment:
 - Term (Day, Month, Years, Etc.):
 - Mandatory Minimum Term:
 - Fine:
- None**

³A Neighborhood electric vehicle³ is defined as a four wheeled motor vehicle which (1) is emission free, (2) is designed to carry 1 to 4 persons, (3) is designed to operate at speeds ≤ 25 MPH, (4) has an unladen weight of $< 1,800$ lbs. and (5) satisfies Federal Motor Vehicle Safety Standard No. 500 related to low speed vehicles (49 CFR 571.500). ' 291C-1

HAWAII

Amount (\$ Range):	<u>1st offense</u> -Not more than \$200 <u>2nd offense</u> (within 1 year)-Not more than \$300 <u>3rd or subsequent offense</u> (within 1 year)-Not more than \$500 ' ' 291C-161(b) and 291D-9(a) & (b) ⁴
Mandatory Min. Fine (\$):	None
Other Penalties:	
Traffic School:	A person may be required to attend a driver training course. ⁵ ' 291C-161(e)
Other:	
Licensing Action:	
Type of Licensing Action (Susp/Rev):	I. Court Ordered Suspension or Revocation via ' 286-125 II. Court Ordered Suspension or Revocation via ' 291C-170 Historical Note: The State's Point System has been repealed. Act 60, Session Laws of 1997
Term of License Withdrawal (Days, Months, Years, etc.):	I. Under ' 286-126, the court is authorized to either suspend a license for not more than 5 years or revoke a license. In the case revocation, the licensing agency is not to grant driving privileges for 1 year . II. Under ' 291C-170, the court is authorized to either suspend or revoke a license for 1 year .
Mandatory Minimum Term of Withdrawal:	None Licensing action is discretionary. ' ' 286-125, 286-128(b) & 291C-170
Miscellaneous Sanctions Not Included Elsewhere:	The court has the authority to order a temporary suspension of a person's license for a traffic infraction. ' 291D-12(4)

Other Criminal Actions Related to Speeding:

⁴The district courts must establish schedules of monetary assessments for traffic infractions. These assessments cannot exceed the maximum fine prescribed by law. ' 291D-9(b)

⁵The district court is authorized to order an offender, who within 12 months has violated the traffic laws with such frequency as to indicated disrespect for such laws, to report in person to the court for a review of their driving record. Following such a review, the court may order a offender to attend a course of instruction in driver retaining. ' 286-128

HAWAII

Racing on Highway:

(1) Petty Misdemeanor or (2) If only Exhibition of Speed or Acceleration are Involved, Infraction (A Non Criminal Offense)⁶ ' ' 291C-103, 291D-2 and 701-107(1) & (4)

Sanctions:

Criminal Sanction:

Imprisonment (Term):

Petty Misdemeanor-Not more than **6 months** ' 291C-103(e)

Infraction-None

None

Mandatory Minimum Term:

Fine (\$ Range):

Petty Misdemeanor-Not more than **\$500** ' 291C-103(e)

Infraction-Not more than **\$500** ' 291C-103(e)

Mandatory Minimum Fine:

None

Administrative Licensing Action:

Licensing Authorized and

Type of Action:

I. **Court Ordered Suspension or Revocation** via ' 286-125

II. **Court Ordered Suspension or Revocation** via ' 291C-170

Length of Term of

Licensing Withdrawal:

I. Under ' 286-126, the court is authorized to either suspend a license for not more than **5 years** or revoke a license. In the case revocation, the licensing agency is not to grant driving privileges for **1 year**.

II. Under ' 291C-170, the court is authorized to either suspend or revoke a license for **1 year**.

Mandatory Action--Minimum

Length of License

Withdrawal:

None Licensing action is discretionary. ' ' 286-125 & 291C-170

Other:

I. Infraction-Sentenced to Perform **Community Service** ' 291C-103(e)

II. A person may be required to attend a driver training course. ' 291C-161(e)

III. A fee of **\$25** which is paid into the Criminal Injuries Compensation Fund. ' 351-351

Reckless Driving⁷:

Sanction:

Criminal:

Petty Misdemeanor ' ' 291-2 & 701-107(4)

⁶A person is prohibited from driving a vehicle on a highway in "any race, speed competition or contest, drag race or acceleration contest, test of physical endurance, exhibition of speed or acceleration, or for the purpose of making speed record...." ' 291C-103(a)

⁷**Inattention to Driving.** The law also establishes the offense of ~~A~~inattention to driving.® This offense is defined as operating ~~A~~any vehicle without due care or in a manner as to cause a collision with, or injury or damage to, as the case may be, any person, vehicle or other property....® This offense is a Petty Misdemeanor with the following sanctions: Incarceration t for not more than **30 days** or a fine of not more than **\$500**. ' ' 291-12 & 701-107(4) Plus a fee of **\$25** which is paid into the Criminal Injuries Compensation Fund. ' 351-351
Note: The administrative licensing actions are the same as for Reckless Driving.

Imprisonment (Term):	Not more than 30 days ' 291-2
Mandatory Minimum Term of Imprisonment:	None
Fine (\$ Range):	Not more than \$1,000 ' 291-2
Mandatory Minimum Fine:	None

Other Criminal Actions Related to Speeding:
(continued)

Reckless Driving: (continued)

Administrative Licensing Actions:

Type of Licensing Action

(Susp/Rev):

I. **Court Ordered Suspension or Revocation** via ' 286-125

II. **Court Ordered Suspension or Revocation** via ' 291C-170

Historical Note: The State's Point System has been repealed. Act 60, Session Laws of 1997

Length of Term of License

Withdrawal Action:

I. Under ' 286-126, the court is authorized to either suspend a license for not more than **5 years** or revoke a license. In the case revocation, the licensing agency is not to grant driving privileges for **1 year**.

II. Under ' 291C-170, the court is authorized to either suspend or revoke a license for **1 year**.

Mandatory Term of License

Withdrawal Action:

None Licensing action is discretionary. ' ' 286-125, 286-128(b) & 291C-170

Other:

I. A person may be required to attend a driver training course. ' 291C-161(e)

II. A fee of **\$25** which is paid into the Criminal Injuries Compensation Fund. ' 351-351

Commercial Motor Vehicle (CMV) Operators⁸:

Grounds for Disqualification:

A person is disqualified from operating a CMV if while driving such a vehicle they either (1) commit 2 "serious traffic violations"⁹ within a 3 year period or (2) commit 3 such violations within a 3 year period. ' 286-240(e)

Period of Disqualification:

2 serious violations (within 3 years)-Not less than **60 days** 3 serious violations (within 3 years)-Not less than **120 days** ' 286-240(e)

Period of Mandatory Disqualification:

2 serious violations (within 3 years)-**60 days** 3 serious violations (within 3 years)-**120 days** ' 286-240(e)

⁸A person who has obtained a commercial driver's license (CDL) and is qualified to operate a commercial motor vehicle. A commercial motor vehicle is defined as a vehicle designed to carry either passengers or property and either has a gross vehicle weight of ≥26,001 lbs., is designed to transport 16 or more persons, or is transporting hazardous materials which requires that the vehicle to be placarded in accordance with U.S. Department of Transportation regulations. ' 286-2

⁹A "serious traffic violation" includes exceeding the speed limit by 15 or more MPH or reckless driving. ' 286-231